



## FINDING OF NO SIGNIFICANT IMPACT/DECISION DOCUMENT

### TRANSFER OF JURISDICTION OF CERTAIN NATIONAL PARK SERVICE PROPERTIES TO U.S. GENERAL SERVICES ADMINISTRATION (National Mall and Memorial Parks)

The U.S. General Services Administration (GSA), in cooperation with the National Capital Planning Commission (NCPD) and the National Park Service (NPS), proposes to redevelop the Old Post Office Building (OPO) located at 1100 Pennsylvania Avenue, NW in Washington, DC. The OPO, which consists of approximately 465,000 square feet, is listed in the National Register of Historic Places and is a contributing element to the Pennsylvania Avenue National Historic Site. To facilitate this redevelopment, a transfer of jurisdiction from the NPS to GSA of approximately 8,300 square feet of certain exterior paved areas (portions of the plaza and sidewalks) along Pennsylvania Avenue would occur. In addition, the ownership of the Benjamin Franklin statue that is located in this area would be transferred from NPS to GSA. After the transfer of jurisdiction, GSA would take over all management and administration responsibilities of the OPO, the paved areas, and the statue.

In order to maintain the historic integrity of the OPO, alterations will be accomplished in accordance with the Secretary of the Interior's Standards for the treatment of Historic Properties. In addition, the redevelopment would use sustainable design principles established in the Leadership in Energy and Environmental Design for New Construction and Major Renovation Projects (LEED-NC) standard. Per Public Law (PL) 98-1, and through agreement with GSA, the existing clock tower would continue to be open to the public and the NPS would continue to provide tours and interpretation of it.

As part of the planning process, GSA completed a final environmental assessment (EA) and finding of no significant impact (FONSI) in June of 2013. The EA provides an analysis of the environmental consequences of the alternatives, which includes the impacts to NPS resources from the proposed transfer of jurisdiction. This EA was prepared in accordance with National Environmental Policy Act of 1969, as amended (NEPA), and its implementing regulations by the Council on Environmental Quality (40 CFR 1500-1508).

After close consultation with GSA and careful review of their June 2013 Final EA, the NPS, in accordance with 43 CFR 46.320, is adopting this EA and making its decision to transfer jurisdiction of approximately 8,300 square feet along Pennsylvania Avenue to GSA for the redevelopment of the OPO. This EA fulfills the requirements of NEPA, the applicable regulations, and it meets the policies set forth in the NPS's Director's Order 12, *Conservation Planning, Environmental Impact Analysis, and Decision-Making*, and accompanying Handbook. Compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 was conducted concurrent to the EA process.

### SELECTED ALTERNATIVE

The NPS concurs with GSA's preferred alternative and has selected it for implementation. The selected alternative will transfer approximately 8,300 square feet of land currently under the jurisdiction of NPS for the introduction of the driveway within the closed historic 11<sup>th</sup> Street right-of-way; the installation of a curb-cut; and to allow sidewalk cafés on Pennsylvania Avenue. A transfer of jurisdiction from NPS to GSA will be required in accordance with 40 U.S.C. § 8124 before the area can be redeveloped. Included in the transfer of jurisdiction are the Benjamin Franklin statue, which was relocated to this site under the Pennsylvania Avenue Development Corporation (PADC) 1974 Pennsylvania Avenue Plan, and the unique pavement consisting of Aleksandra Kasuba Artwork Pavers (Artwork Pavers), which was also a part of the PADC plan. While GSA will manage and maintain this area, the statue and pavers will continue to be protected under the PADC Pennsylvania Avenue Plan and other policies, laws and

regulations. Within the terms of the jurisdictional transfer, all NPS managerial responsibilities of the project area will be transferred to GSA, and the property will no longer be administered by the NPS.

On the east side of the building, in the closed historic L'Enfant Plan right-of-way of 11<sup>th</sup> Street, an access drive will be established that will serve as the primary vehicular access for guest pick-up/drop-off. The establishment of the drive will require a curb cut be installed on Pennsylvania Avenue. The access drive will provide controlled drop-off for taxis and other vehicles, as well as provide access to the valet parking in the basement of the Annex. The access drive will be designed with sidewalks on either side providing pedestrian access to the 11<sup>th</sup> Street and Annex Entrances.

Establishment of the drive will require realignment of the granite wall that currently exists at the handicap ramp. Street and plaza trees and the existing kiosk will be removed. These changes will occur after NPS transfers jurisdiction to GSA. The traffic signal box will be relocated and the 11<sup>th</sup> Street intersection will be realigned to allow for full movement. A signalized pedestrian crosswalk will be provided where the 11<sup>th</sup> Street driveway intersects with the Pennsylvania Avenue sidewalk.

GSA, along with the preferred selected developer (developer), will coordinate with NPS regarding any necessary permits for traffic control devices located on land that is under NPS jurisdiction, but outside the land to be transferred from NPS to GSA. The design of the curb-cut and traffic control devices will also require coordination with the District Department of Transportation.

The area where the driveway curb-cut will be located (11<sup>th</sup> Street and Pennsylvania Avenue) is in a designated inaugural bleacher area for the Presidential Inaugural Committee (PIC) to use for inaugural activities. Under the selected alternative GSA will require the developer to accommodate the placement of temporary bleachers, if requested by the PIC for the inaugural parade, consistent with the NPS's regulatory priority at 36 CFR §7.96.

The Clock Tower would remain open to the public with tours and interpretation for the public provided by the NPS through an agreement with GSA pursuant to P. 98-1, 97 Stat. 3, at 4, Section 4 (Feb. 15, 1983). On the south side of the OPO, the C Street entrance will serve as the main visitor entrance for the Clock Tower. Clock Tower public and support space may also include refurbishment of interior finishes (e.g. new paint and carpet). Space for queuing would be provided on the ground floor within the space labeled as Clock Tower Space and restrooms will be conveniently located for Clock Tower visitors. All improvements to the Clock Tower will be coordinated with NPS.

In assessing this proposed transfer, the EA also considered GSA's general plan to redevelop the OPO. The redevelopment of the OPO is in accordance with PL 110-359, the Old Post Office Building Redevelopment Act of 2008. Under the selected alternative, GSA will sign a lease agreement with a private-sector developer for the redevelopment. As part of this lease agreement, the OPO will be redeveloped as a mixed-use luxury hotel and conference facility. The facility will encompass approximately 502,000 gross square feet, with approximately 267 hotel rooms and suites, and approximately 63,300 square feet of museum space, restaurants, retail spaces, a bar/lounge, an exhibition gallery, a library/seating area, a spa and health club, a gift shop, a ballroom, and conference space. This FONSI addresses only those actions and associated impacts that affect NPS resources.

## **OTHER ALTERNATIVES**

The EA also analyzed the no action alternative and considered but dismissed several others. Under the no action alternative, rehabilitation of the OPO Building would not take place, and the related transfer of jurisdiction from NPS to GSA would not occur. The existing facilities would remain and the current management of the OPO as office and retail space would continue. Repairs and upkeep would continue in accordance with the existing maintenance plan for the site. The no action was not chosen because it would not comply with the OPO Redevelopment Act of 2008 (Public Law [PL] 110-359, 122 Stat. 4005, Oct. 8, 2008)), which directs the GSA Administrator to proceed with the redevelopment of the OPO.

Described below are the alternatives that were considered but dismissed for both vehicular and pedestrian circulation-based reasons:

### ***Vehicular Circulation Alternatives***

Several vehicular circulations options were explored, including a lay-by lane on Pennsylvania Avenue, a lay-by lane on 12<sup>th</sup> Street, right-in and right-out only movements for the 11<sup>th</sup> Street Drive, and using the C Street entrance as the main vehicular entrance. Lay-by lane is for service vehicles only that are doing "live" loading and unloading. GSA also explored a no on-site parking alternative. Reasons for not carrying these alternatives forward for additional analysis are summarized below:

***Pennsylvania Avenue Lay-by Lane:*** This alternative considered installing a semi-circular driveway in front of the main entrance of the OPO, as it would place hotel guests at the primary historic entrance. It was dismissed from further analysis as it would likely interrupt the pedestrian flow and vehicular traffic on Pennsylvania Avenue and 12<sup>th</sup> Street and introduce two curb cuts mid-block along Pennsylvania Avenue. Additionally, it might also require amending the PADC Pennsylvania Avenue Development Plan and subsequent agency agreements. As a result, NPS, DDOT, CFA, and the historic preservation community indicated that they would not support the alternative. Therefore, GSA dismissed this alternative from detailed analysis within the EA.

***12<sup>th</sup> Street Lay-by Lane:*** GSA also explored locating the hotel drop-off and pick-up on 12<sup>th</sup> Street. While the hotel entrance would be visible, the necessary lay-by for taxi and guest queues would affect 12<sup>th</sup> Street traffic. In addition, the existing sidewalk is ten feet wide and the lay-by lane would significantly decrease sidewalk width, introducing potential congestion between hotel guests and pedestrians. This would not eliminate the need for a drive at 11<sup>th</sup> Street, as a drive would still be needed for entrance to the parking in the Annex. Additionally, discussions with DDOT indicated that DDOT would not support a lay-by lane in this location. As a result, GSA dismissed this alternative from detailed analysis within the EA.

***11<sup>th</sup> Street Restricted Movement:*** Similarly, GSA explored restricting the proposed 11<sup>th</sup> Street driveway to right-in, right-out turn movements. In its 2012 traffic impact study, GSA determined that pedestrian safety did not noticeably increase from the right-in and right-out limitation. As a result, GSA dismissed this alternative from detailed analysis within the EA.

***C Street Entrance:*** GSA considered utilizing C Street as a driveway. A C Street entrance would eliminate a public plaza, would not be accessible, and would increase traffic on the already busy 12<sup>th</sup> Street. Furthermore, this alternative would also require a curb cut on Pennsylvania Avenue but would draw activity away from Pennsylvania Avenue. As a result, GSA dismissed this alternative from detailed analysis within the EA.

***No On-Site Parking:*** GSA explored providing no on-site parking. In consultation with DDOT, it was determined that relying upon valet service to other existing parking garages would add trips to intersections in the project area in the following ways: guest trips to the site, valet trips to parking garages; valet trips back to the site; and guest trips exiting site. In comparison, on-site parking would generate one guest trip in and one guest trip out. As a result, having no on-site parking would result in greater impacts to traffic in the study area. In addition, as the study of the lay-by lane options indicate, there is no good location for a lay-by lane that would allow for the use of valet service to existing commercial parking garages. Therefore, valet service would occur at the curb, potentially blocking lane(s) of traffic. Overall, a no on-site parking option would represent greater impacts to traffic operations than providing valet parking at the site.

### ***Pedestrian Circulation Alternatives***

During the Section 106 consultation process, GSA along with the preferred selected developer, conducted structural and site design analysis and held discussions with the District of Columbia State Historic Preservation Officer (SHPO) and consulting parties regarding the feasibility of creating a pedestrian connection between Pennsylvania Avenue and C Street via the 11<sup>th</sup> Street right-of-way. A number of options were explored to allow for this pedestrian circulation. GSA, through evaluation and discussion of the options in Section 106 consultation meetings, recommended against the creation of a pedestrian passage for the following reasons:

- the level of the water table in relation to the foundation and building piles;

- the potential for intrusions into the historic building fabric either at the east façade or inside the building for an additional or separated opening, potentially endangering the structural integrity of the OPO; and
- the poor quality of the pedestrian experience that would result if a narrow passage were created regardless of other historic preservation concerns.

The consulting parties agreed that any benefits to a connection would be outweighed by structural or preservation concerns and would be significantly less than what planners had earlier envisioned for pedestrian access in this location through the site. The Monumental Core Framework Plan envisioned the removal of the Annex along with the creation of a robust pedestrian connection north-south through the site; with the retention of the Annex, the connection is not achievable as envisioned in the Framework Plan. Through discussions with consulting parties, Internal Revenue Service, and the preferred selected developer, the reinstatement of the connection from 10<sup>th</sup> Street through the Annex was carried forward as means for improving the perceived porosity of the site. Therefore, GSA dismissed this alternative from detailed analysis within the EA.

### **Environmentally Preferable Alternative**

The NPS is required to identify the Environmentally Preferable Alternative in their NEPA documents. The NPS, in accordance with DOI and NPS policies and guidance and CEQ's *NEPA's Forty Most Asked Questions*, defines it as the one that "causes the least damage to biological and physical environment." It is the alternative "which best protects, preserves, and enhances historic, cultural and natural resources" (Q6a). After a thorough review of the EA, the NPS identified the no action alternative as the environmentally preferable alternative. The no action alternative is the environmentally preferable alternative because there will be no new impacts to NPS resources, and therefore, will provide for the best net protection of park resources and values. However, the no action alternative will not meet the overall purpose and need of the project because it will not comply with the OPO Redevelopment Act of 2008 (Public Law [PL] 110-359, 122 Stat. 4005, Oct. 8, 2008)), which directs the GSA Administrator to proceed with the redevelopment of the OPO.

### **MITIGATION MEASURES**

The NPS and the GSA both place a strong emphasis on avoiding, minimizing, and mitigating potentially adverse environmental impacts. After the transfer of jurisdiction, the property will be the responsibility of the GSA since it will no longer be managed by NPS and GSA will be responsible for developing mitigations that would minimize impacts to the human environment. As such, GSA and the developer will:

- Coordinate with the DDOT's Urban Forestry Administration to obtain, as required, Urban Forestry Administration's Special Tree Removal Permit. Where feasible, the developer will seek to preserve additional mature trees, or incorporate more trees into the design as it progresses.
- Coordinate the development of a sediment and erosion control plan with the District Department of the Environment (DDOE).
- Follow guidance provided in GSA's P100: Facilities Standards for Public Buildings Service for the development of the stormwater management plan, including designing the plan as per Section 438 of the Energy Independence and Security Act of 2007 and coordination of the plan with local authorities, which will include DDOE.
- Consult with DC Water and DDOT prior to any relocation or reconstruction of existing storm drains or storm sewers that could be required during construction activities at the site.
- Coordinate with DDOT on the design and construction of the proposed alignment, curb cut, and associated modifications to traffic control devices at Pennsylvania Avenue, NW and 11<sup>th</sup> Streets, NW intersection.

- Develop a transportation management program that offers on-site employees alternative modes of transportation and coordinate with DDOT the specifics of the transportation demand management program in order to tailor the TMP to the finalized land use program.
- Design the intersection with DDOT standards and fully-accessible ramps.
- Work with DDOT to design the intersection and curb cut to provide for the safe and efficient movement of vehicles and pedestrians at the 11<sup>th</sup> Street driveway to the Old Post Office.
- Modify the traffic signal at 11th Street, NW and Pennsylvania Avenue to include pedestrian signal heads and Audible Pedestrian Signals (APS) for the south leg.
- Explore the possibility of including bicycle parking at key locations along the perimeter of the Old Post Office to align with the *District of Columbia Pedestrian Master Plan* goal to provide bicycle parking/storage facilities. Include covered bicycle storage as well as shower rooms inside the building.
- Work with WMATA's Bus Planning Department and DDOT's transit coordinator to establish the feasibility of relocating or consolidating the affected bus stops, which should be appropriately located and include necessary bus stop amenities.
- Coordinate with WMATA and DDOT on the relocation of any existing bus stops during the construction phase. The developer will contact each agency at least two weeks before the start of the actual construction work to ensure that bus customers are notified of the project before work begins.
- Coordinate with all utility service providers and the IRS Building prior to and during construction. This includes coordination with PEPCO and Washington Gas to ensure electrical and gas lines remain intact and are safe to work around.
- Consult with the DC Fire Marshall to ensure that access to fire hydrants and the building is maintained.
- Coordinate with DC Water to determine whether a preconstruction survey is necessary and for potential relocation of storm sewer inlets. The developer will be responsible for ensuring that any new or replacement street lighting will be in accordance with DC standards, and with NPS standards along Pennsylvania Avenue, NW and in conformance with the PADDC Plan and related requirements.
- Coordinate with NPS regarding any necessary permits for utility work that will disturb land that is under NPS jurisdiction, but outside the area to be transferred from NPS to GSA.

In addition to the mitigation measures identified in the EA, GSA and the developer will also implement the stipulations of the Programmatic Agreement (PA) between GSA, the District of Columbia Historic Preservation Office, the Advisory Council on Historic Preservation, the National Capital Planning Commission, NPS, and Trump OPO LLC regarding the ground leasing, rehabilitation, ongoing maintenance, and stewardship of the OPO and annex, and associated transportation improvements (see attached). The PA, executed on May 23, 2013, defines procedures for further Section 106 consultation during final design development and future alterations following the initial rehabilitation and includes provisions for unanticipated archeological discoveries. The PA also commits GSA to a number of stipulations concerning NPS resources, including:

- GSA will coordinate with NPS on all submissions and reviews associated with the redevelopment or its operations that may affect NPS-administered areas including the adjacent Pennsylvania Avenue National Historic Site.
- GSA will obtain a jurisdictional transfer from NPS prior to initiating any permanent changes to the site, and will seek an NPS permit for any use of adjacent NPS-administered areas (i.e., for temporary/non-invasive work).

- GSA will be responsible for the preservation of the Benjamin Franklin statue and other features of the site, as well as for continued use of the site for Presidential Inauguration bleachers, subject to the covenants that will be detailed within the jurisdictional transfer documentation.
- GSA and NPS will agree on a process to coordinate on adjustments as a result of construction activities for OPO and the OPO Tower, to NPS's schedules for public tours, interpretation, and related services at the OPO Tower.

## **WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT**

As documented in the EA, the selected alternative (action alternative) for redevelopment of the OPO, with the associated transfer of jurisdiction from NPS to GSA, can be implemented with no significant adverse effects to resources. As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

***Impacts that may be both beneficial and adverse and which on balance may be beneficial, but that may still have significant adverse impacts which require analysis in an Environmental Impact Statement (EIS):*** The selected alternative has the potential for impacts to the following resources that are of concern to NPS: land use/planning, public space, cultural resources, vegetation, stormwater management, floodplains, and pedestrian and bicycle circulation. These resources will experience both beneficial and adverse impacts because of the redevelopment of the OPO and transfer of jurisdiction; however, no significant impacts were identified that will require analysis in an Environmental Impact Statement.

***Land Use/Planning/Public Space:*** There will be long-term negligible adverse impacts to land use within the Pennsylvania Avenue Historic Site due to the transfer of jurisdiction. This transferred area will contain moveable, non-fixed outdoor café seating, set back from the sidewalk edge in order to respect the standard Pennsylvania Avenue sidewalk line. The paved apron of Artwork Pavers and the Benjamin Franklin statue (both part of the Pennsylvania Avenue Development Corporation 1976 Pennsylvania Avenue Plan or PADC Plan) will be preserved. GSA will ensure the future use of the site for PIC activities, consistent with 36 CFR §7.96. The NPS will continue to maintain and operate public access of the OPO Clock Tower. Redevelopment of the OPO will provide long-term benefits to visitors through the proposed refreshing of interior finishes within the Clock Tower exhibition and support space.

There will be long-term minor adverse impacts to public space due to removal of street trees, additional infrastructure, and potential restriction of pedestrian movements at the 11<sup>th</sup> Street driveway, which will be constructed following the transfer of jurisdiction. The removal of planters and addition of outdoor café seating will activate this portion of Pennsylvania Avenue, providing long-term benefits to public space.

***Cultural Resources:*** There will be long-term adverse, but negligible, impacts to cultural resources due to the transfer of jurisdiction and redevelopment. The Pennsylvania Avenue National Historic Site, which is under NPS jurisdiction, will be slightly altered via the changes to the sidewalk described above; views will also be affected by new first floor awnings. The new curb cut along Pennsylvania Avenue will accentuate the visual break at the intersection of 11<sup>th</sup> Street and Pennsylvania Avenue. The primary character of the viewshed will remain a broad tree-lined avenue in an urban area terminating at the U.S. Capitol to the east and Pershing Plaza to the west, and GSA will maintain the OPO's paved apron and Benjamin Franklin Statue. The Benjamin Franklin statue would remain in a public space, in accordance with a congressional joint resolution passed in 1888 (50 Res. No. 31, July 19, 1888, 25 Stat. 627). There will be short-term adverse impacts to cultural resources during construction due to the visual impact of construction equipment and materials staging.

***Vegetation/Stormwater Management/Floodplains:*** Overall, the redevelopment project will cause a net loss of seven trees, including two willow oaks under NPS jurisdiction, resulting in long-term minor adverse effects. The developer's implementation of a stormwater management plan and the reduction of impervious areas through landscaping and a green roof will result in long-term beneficial impacts to stormwater management at the site and will help mitigate the potential for flooding during heavy storm

events. While the site is in the 100-year flood plain, the area is completely urbanized, and is not considered a natural functioning floodplain habitat. As a result, there would be no impacts to the overall functions and values of this floodplain. There could be short-term, minor, adverse construction-related impacts to stormwater management due to increased sediment flows; however, this will be minimized by implementing best management practices.

***Pedestrian and Bicycle Circulation:*** There will be long-term minor adverse impacts on pedestrian circulation and bicycle use, due to the new curb cut at 11<sup>th</sup> Street and additional outdoor café area, which will occur following the transfer of jurisdiction, as well as other project components, such as the removal of the bicycle rental kiosk and removal of the pedestrian plaza between IRS and OPO.

***Degree of effect on public health or safety:*** The transfer will not result in any noticeable changes in the public health or safety except those commensurate with any changes in the numbers of visitors to the OPO and this portion of the Pennsylvania Avenue National Historic Site. The NPS does not anticipate noticeable changes in the numbers of visitors to the balance of the site.

***Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, wetlands, prime farmlands, wild and scenic rivers, or ecologically critical areas:*** No wetlands, prime farmlands, wild and scenic rivers, ecologically critical areas, sites sacred to American Indians, or other significant ethnographic resources occur within or adjacent to the project, and therefore no such sites will be impacted.

The preservation, rehabilitation, and alterations to both the interior and exterior the OPO that will be undertaken will be accomplished in accordance with the Secretary of Interior's Standards for Historic Properties and the Secretary of Interior's Standards for Rehabilitation. Therefore, direct impacts to the historic structure would be minor and no adverse effect would occur to the OPO Building under Section 106 of the NHPA.

The exterior additions and alterations that will occur (i.e., curb-cut, installation of public landscaped gathering spaces and moveable, non-fixed restaurant seating) would maintain the broad vistas along Pennsylvania Avenue, and the minimally change the vista along 11<sup>th</sup> and 12<sup>th</sup> Streets. Indirect impacts to the L'Enfant and McMillan Plans, the Pennsylvania Avenue Historic Site, and the Federal Triangle Historic District will be negligible.

To ensure that impact to the existing cultural resources are either avoided, minimized, and/or mitigated, as part of the NHPA Section 106 process, the PA was developed between the SHPO, ACHP, NCPC, NPS, and the preferred selected developer. This PA acknowledges that GSA will be responsible for the preservation of the statue and other features of the site, subject to covenants within the jurisdictional transfer documentation; defines procedures for further Section 106 consultation during final design development and future alterations following the initial rehabilitation; and includes provisions for unanticipated archeological discoveries. GSA, along with the preferred selected developer, will ensure that the measures in the PA are carried out to avoid adverse effects to historic properties. The PA, signed by the SHPO, ACHP, NCPC, NPS, and preferred selected developer, with concurrence from the DC Preservation League and the Committee of 100 on the Federal City, was executed on May 23, 2013.

***Degree to which effects on the quality of the human environment are likely to be highly controversial:*** No highly controversial effects in terms of scientific uncertainties because of this transfer of jurisdiction were identified during the preparation of the EA or the public comment period.

***Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks:*** No highly uncertain, unique, or unknown risks were identified during either preparation of the EA or the public comment period. Transfers of jurisdiction like this between the NPS and other federal or District agencies occur on a regular basis.

***Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration:*** The selected alternative neither establishes a NPS precedent for future actions with significant effects nor represents a decision in principle about a future consideration. Transfers of jurisdiction like this between the NPS and other

federal or District agencies are a regular exercise and have occurred over much of the 20<sup>th</sup> Century and into this decade.

***Whether the action is related to other actions with individually insignificant but cumulatively significant impacts:*** Implementing the selected alternative, which includes transferring jurisdiction of a portion of the sidewalk north of the OPO, will have no significant cumulative impacts. The EA addressed cumulative impacts for each of the resources affected by the preferred alternative—those of concern to NPS include land use and planning policies, public space, visual aspects of cultural resources, stormwater management, floodplains, and pedestrian and bicycle circulation.

Overall, the selected alternative will result in beneficial impacts on local plans and policies due to the proposed redevelopment of the site. The EA notes that the 11<sup>th</sup> Street driveway may not be consistent with the *District Elements* portion of the *Comprehensive Plan for the National Capital: Federal Elements and District Elements*, which may result in minor adverse impacts to this plan. Cumulative impacts to land use will be expected to be minor as NPS continues to explore the possibility of transferring jurisdiction of portions of the Pennsylvania Avenue National Historic Site, conditioned on protective covenants within the jurisdictional transfer documentation. The EA also notes that the anticipated two-year closure of the OPO Clock Tower may result in increased demand on the Washington Monument for members of the public seeking access to panoramic views of the monumental core. The Washington Monument is currently closed to accommodate earthquake repairs, and is expected to re-open to the public in 2014.

The OPO Perimeter redevelopment, when considered together with past and future perimeter security projects along Pennsylvania Avenue, has the potential to create adverse cumulative impacts on public space by interrupting the continuity of area sidewalks. Public space is likely to experience beneficial cumulative effects due to the OPO redevelopment, the developing NPS Pennsylvania Avenue Plan, and future coordination in streetscape elements and sidewalks. Overall, there will be minor adverse cumulative impacts to public space.

The OPO redevelopment will result in negligible to minor impacts to the existing cultural resources on the site (No Adverse Effects under NHPA Section 106). However, the limited removal of trees, installation of the 11<sup>th</sup> Street driveway and curb cut, and café seating areas, combined with past and future perimeter security improvements in the vicinity and the developing NPS Pennsylvania Avenue Plan, will result in minor adverse cumulative impacts to views along Pennsylvania Avenue.

Due to new stormwater management policies, overall proposed and ongoing projects will cumulatively benefit stormwater management in this area of the District through low impact development measures. Adverse cumulative impacts to potential flooding issues could result from various development and building perimeter security improvements in the vicinity that involve construction within the floodplain; however because these projects will adhere to appropriate building practices the impacts will be minor.

Cumulative impacts to the pedestrian and cyclist experience could be both adverse, in the case of interruptions in the sidewalk due to the OPO 11<sup>th</sup> Street driveway and new café seating and perimeter security projects, and beneficial, in the case of pedestrian access improvements at the OPO and in the developing NPS Pennsylvania Avenue Plan. As a result, there will be minor cumulative impacts on pedestrian experience.

***Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources:*** The transfer of a portion of sidewalk from NPS to GSA, and the subsequent development and management of this land by GSA has the potential to affect the Pennsylvania Avenue National Historic Site and the L'Enfant Plan, which are both properties listed on the National Register of Historic Places.

The Pennsylvania Avenue National Historic Site is under NPS jurisdiction and encompasses Pennsylvania Avenue between the White House and the Capitol Building. This stretch of Pennsylvania Avenue creates a symbolic link between the legislative and executive branches of the Federal government

of the United States and was historically the city's commercial core. The Benjamin Franklin Statue in front of the OPO is a contributing element of the site, although this was not its original position within the site. The statue was relocated there by the PADC, and the Artwork Pavers were also installed as part of its design for the plaza in front of the OPO. These features are therefore protected under the PADC Pennsylvania Avenue Plan. The jurisdictional transfer will include covenants within the jurisdictional transfer documentation that will preserve the Artwork Pavers and the Benjamin Franklin statue. Vistas planned by the L'Enfant Plan, including the broad vista along Pennsylvania Avenue, are also contributing elements of the Pennsylvania Avenue National Historic Site. Installation of outdoor café seating and the curb cut and 11<sup>th</sup> Street driveway and related landscaping and signage will occur within this view, but through deliberate design and placement will not impede the broad vistas along the avenue.

GSA has consulted with the DC SHPO, ACHP, and consulting parties regarding effects to historic properties and in the development of the PA for the leasing, rehabilitation, ongoing maintenance, and stewardship of the Old Post Office Building and Annex, and associated transportation improvements. The NPS has also participated in this process in compliance with its responsibilities under Section 106. The PA, signed by the SHPO, ACHP, NCPC, NPS, and preferred selected developer, with concurrence from the DC Preservation League and the Committee of 100 on the Federal City, was executed on May 23, 2013. It acknowledges that GSA will be responsible for the preservation of the statue and other features of the site, subject to covenants within the jurisdictional transfer documentation; defines procedures for further Section 106 consultation during final design development and future alterations following the initial rehabilitation; and includes provisions for unanticipated archeological discoveries. GSA, along with the preferred selected developer, will ensure that the measures in the PA are carried out to avoid adverse effects to historic properties.

***Degree to which the action may adversely affect an endangered or threatened species or its critical habitat:*** As described in the EA, because of the urban nature of the site and the fact that the proposed activities will be located entirely within previously disturbed or maintained landscapes, no impacts to any state- or federally-listed species are expected from this transfer of jurisdiction

***Whether the action threatens a violation of federal, state, or local environmental protection law:*** The selected alternative violates no federal, state, or local environmental protection laws. The transfer of jurisdiction and rehabilitation of the site will be consistent with all laws, regulations, and requirements.

## **PUBLIC INVOLVEMENT**

GSA initiated the public scoping process on January 3, 2011, through the distribution of letters to regulatory and review agencies requesting comment on the scope of the EA and the draft goals to be outlined in the Request for Proposal for the redevelopment of the Old Post Office. In addition, a notice was posted on the GSA website announcing the agency's intention to prepare an EA and to solicit public comment during the scoping period. The public comment period was open through January 19, 2011. Comments received during this period were taken into consideration in the development of the EA.

Consultation meetings have taken place through the coordinated Section 106 and NEPA processes. The first coordination meeting occurred on December 9, 2010 and included representatives from the District of Columbia State Historic Preservation Office (SHPO), the National Capital Planning Commission (NCPC), the U.S. Commission of Fine Arts (CFA), NPS, the Internal Revenue Service (IRS), and GSA. The focus of the meeting was to introduce the project and initiate the Section 106 and NEPA processes, as well as to answer questions. Since then, GSA has met with the Advisory Council on Historic Preservation (ACHP) (March 13, 2012), CFA and NCPC (March 4 and October 10, 2012), NPS (March 15, June 19, and September 17, 2012), and the IRS (June 12, 2012). In addition, GSA coordinated with the District of Columbia Department of Transportation (DDOT) District, including meetings on March 15 and June 7, 2012 to address transportation issues.

GSA held an initial Section 106 consulting parties meeting on May 22, 2012. The purpose of the meeting was to introduce the project to the consulting parties. Individuals in attendance included representatives from SHPO, NCPC, CFA, NPS, ACHP, IRS, DDOT, the District of Columbia Office of Planning

## CONCLUSION

The NPS has selected the action alternative for implementation. The impacts that will result from the selected alternative will not impair any park resource or values necessary to the NPS. The selected alternative does not constitute an action that normally requires preparation of an EIS. The selected alternative will not have a significant effect on the human environment. Negative environmental impacts to NPS resources that could occur are negligible to minor in intensity. There are no significant impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. Transfers like this are not unusual and no highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the selected alternative will not violate any federal, state, or local environmental protection law.

The selected alternative does not constitute a major federal action that significantly affects the quality of the human environment. Based on the foregoing an EIS is not required for this action and thus will not be prepared. This is a finding of no significant impact.

Recommended:

(b) (6)

*for* Robert A. Vogel  
Superintendent  
National Mall and Memorial Parks

8/1/13  
Date

Approved:

(b) (6)

Stephen F. Whitesell  
Regional Director  
National Capital Region

8.9.13  
Date

## APPENDIX A-

### NON-IMPAIRMENT DETERMINATION

#### Attachment A – Impairment of Determination for the Selected Action

Pursuant to the National Park Service (NPS) Guidance for Non-Impairment Determinations and the NPS National Environmental Policy Act (NEPA) Process (NPS 2011), a non-impairment determination for the selected alternative is included here as an attachment to the Finding of No Significant Impact.

The prohibition against impairment originates in the NPS Organic Act, which directs that the NPS shall:

*“...promote and regulate the use of the...national parks...which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”*

According to *NPS Management Policies 2006*, an action constitutes an impairment when its impact “would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values” (NPS 2006, sec. 1.4.5). To determine impairment, the NPS must evaluate “the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts” (NPS 2006, sec. 1.4.5).

NPS units vary based on their enabling legislation, natural and cultural resources present, and park missions. Likewise, the activities appropriate for each unit and for areas in each unit also vary. For example, an action appropriate in one unit could impair resources in another unit.

As stated in the *NPS Management Policies 2006* (NPS 2006, sec. 1.4.5), an impact on any park resource or value may constitute an impairment, but an impact would be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park; or
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or
- identified in the park’s general management plan or other relevant NPS planning documents as being of significance

In addition to reviewing the list of significance criteria, the NPS has determined that implementation of the selected alternative will not constitute an impairment to the park’s resources or values. This conclusion is based on a thorough analysis of the environmental impacts described in the EA, agency and public comments, and the professional judgment of the decision-makers in accordance with the *NPS Management Policies, 2006* (August 2006).

#### **PURPOSE AND SIGNIFICANCE OF PENNSYLVANIA AVENUE NATIONAL HISTORIC SITE**

The purpose of the Pennsylvania Avenue National Historic Site, as stated in the 1974 Pennsylvania Avenue Plan, is to:

- Make the avenue function as a bridge, not as a barrier, between the monumental federal core to the south and city’s downtown to the north.
- Transform the avenue into an attractive and pleasant public place for residents and visitors alike.
- Provide a mixture of commercial and cultural activities that will attract a wide variety of people and stimulate street life.
- Maintain a sense of historic continuity.

- Bring new economic life — jobs, shopping, and business opportunities to the avenue while reinforcing existing activity both on the avenue and in the adjacent downtown area.

Pennsylvania Avenue National Historic Site is significant because:

- Pennsylvania Avenue provides a national ceremonial avenue designed to physically connect the legislative and executive branches of government. Integral to Pierre L'Enfant's plan for Washington, D.C., Pennsylvania Avenue offers vistas of the United States Capitol, and it is the address for the White House, which is just to the west of the national historic site.
- Pennsylvania Avenue is the centerpiece of a national historic district. As America's main street, Pennsylvania Avenue is nationally and internationally recognized as the location for Inaugural Parades, state funerals, First Amendment marches, and national celebrations. It is home to national monuments, memorials, historic sites, and parks. Space is available for commemorating nationally significant people and events in the future.
- Street names in Washington, D.C., recall the importance of the 13 original colonies. The name for Pennsylvania Avenue underscores the importance of the Commonwealth of Pennsylvania to the creation of our nation.

The NPS has determined that the transfer of jurisdiction of approximately 8,300 square feet of NPS property to GSA will not constitute impairment to the resources or values of the Pennsylvania Avenue National Historic Site or National Mall and Memorial Parks. This conclusion is based on consideration of the thorough analysis of the environmental impacts described in GSA's June 2013 Final EA, the comments provided by the public and others, and the professional judgment of the decision-maker guided by the direction in NPS *Management Policies 2006*. Implementation will not result in impairment of park resources or values whose conservation is (1) necessary to fulfill specific purposes identified in the park's establishing legislation, (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or (3) identified in the park's management plan or other relevant NPS planning documents as being of significance. Rationale for this non-impairment determination is provided below.

*Land Use/Public Space:* No impairment will occur to the current NPS land uses, planning, or public spaces because of the transfer of jurisdiction. There will be long-term negligible adverse impacts to land use within the Pennsylvania Avenue Historic Site due to the transfer of jurisdiction, however, the transfer of this relatively small parcel to GSA will not inhibit the Park from fulfilling its specific purposes, nor prohibit opportunities to enjoyment of the park. The transferred area will contain moveable, non-fixed outdoor café seating, set back from the sidewalk edge in order to respect the standard Pennsylvania Avenue sidewalk line. The paved apron of Artwork Pavers and the Benjamin Franklin statue (both part of the Pennsylvania Avenue Development Corporation 1976 Pennsylvania Avenue Plan or PADC Plan) will be preserved. GSA will ensure the future use of the site for PIC activities, consistent with 36 CFR §7.96. The NPS will continue to maintain and operate public access of the OPO Clock Tower. Redevelopment of the OPO will provide long-term benefits to visitors through the proposed refreshing of interior finishes within the Clock Tower exhibition and support space.

*Cultural Resources:* While there will be long-term negligible adverse impacts to cultural resources due to the transfer of jurisdiction and redevelopment, no impairment to NPS-administered cultural resources will occur. The Pennsylvania Avenue National Historic Site, which is under NPS jurisdiction, will be slightly altered via the changes to the sidewalk. The new curb cut along Pennsylvania Avenue will accentuate the visual break at the intersection of 11<sup>th</sup> Street and Pennsylvania Avenue. None of these impacts, however, will diminish the purpose or significance of the park or inhibit opportunities for enjoyment of the park and surrounding areas. The primary character of the viewshed will remain a broad tree-lined avenue in an urban area terminating at the U.S. Capitol to the east and Pershing Plaza to the west, and GSA will maintain the OPO's paved apron and Benjamin Franklin Statue.

In addition, to ensure impacts to the cultural resources are avoided or minimized, as part of the National Historic Preservation Act Section 106 process, a Programmatic Agreement was executed on May 23,

2013, by the DC SHPO, ACHP, NCPC, NPS, and preferred selected developer, with concurrence from the DC Preservation League and the Committee of 100 on the Federal City. It acknowledges that GSA will be responsible for the preservation of the statue and other features of the site; defines procedures for further Section 106 consultation during final design development and future alterations following the initial rehabilitation; and includes provisions for unanticipated archeological discoveries.

*Vegetation/Floodplains:* The NPS parcel being transferred is located in a completely hard-scaped urbanized area with a few street trees. The transfer of jurisdiction and subsequent redevelopment of the site will result in a net loss of seven trees, including two willow oaks under NPS jurisdiction. In addition, while the site is in the 100-year flood plain, there is no naturally functioning floodplain habitat. As a result, implementation of the transfer of jurisdiction will not result in the impairment of either vegetation or floodplain resources.

Impairment determinations were not made for visitor use and experience; park management and operations; planning; or pedestrian and bicycle circulation because impairment findings relate back to park resources and values, and these impact areas are not generally considered to be park resources or values according to the Organic Act, and cannot be impaired in the same way that an action can impair park resources and values.